

State of Montana  
Department of Environmental Quality  
Helena, Montana 59620

**AIR QUALITY OPERATING PERMIT NUMBER OP2850-03**

Administrative Amendment Application Received: **September 26, 2003**  
Application Deemed Administratively Complete: **September 26, 2003**  
Application Deemed Technically Complete: **September 26, 2003**  
AFS Number: **030-029-0029A**

Date of Decision: **October 3, 2003**  
Effective Date: **November 4, 2003**  
Expiration Date: **March 3, 2006**

In accordance with the Montana Code Annotated sections 75-2-217 and 218, and the Administrative Rules of Montana (ARM) Title 17, Chapter 8, Subchapter 12, Operating Permit Program, ARM 17.8.1201, *et seq.*,

**Flathead County Solid Waste District  
Flathead County Sanitary Landfill  
Sections 1 and 36, Townships 29 and 30 North, Range 22 West, Flathead County  
4098 Highway 93 North  
Kalispell, Montana 59901**

hereinafter referred to as “Flathead,” is authorized to operate a stationary source of air contaminants consisting of the emission units described in this permit. Until this permit expires or is modified or revoked, Flathead is allowed to discharge air pollutants in accordance with the conditions of this permit. All conditions in this permit are federally and state enforceable unless otherwise specified. Requirements which are state-only enforceable are identified as such in the permit. A copy of this permit must be kept on site at the above named facility.

Issued by the Department of Environmental Quality

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Permit Issuance and Appeal Process:** In accordance with ARM 17.8.1210(j), the Department of Environmental Quality’s (Department) decision regarding issuance of an operating permit is not effective until 30 days have elapsed from the date of the decision issued October 3, 2003. The decision may be appealed to the Board of Environmental Review by filing a request for a hearing within 30 days after the date of decision. If no appeal is filed then the Department will send notification and a final permit cover page to be attached to this document stating that the permit is final. Questions regarding the final issuance date and status of appeals should be directed to the Department at (406) 444-3490.

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Terms not otherwise defined in this permit or in the Definitions and Abbreviations Appendix of this permit have the meaning assigned to them in the referenced regulations.

## **SECTION I. GENERAL INFORMATION**

The following general information is provided pursuant to ARM 17.8.1210(1).

Company Name: Flathead County Solid Waste District

Mailing Address: 4098 Highway 93 North

City: Kalispell

State: Montana

Zip: 59901

Plant Location: Section 1 and Section 36, Township 29 North and Township 30 North, Range 22 West, in Flathead County, MT

Responsible Official: David Prunty, Director

Phone: (406) 758-5910

Facility Contact Person: David Prunty, Director

Phone: (406) 758-5910

Primary SIC Code: 4953

Nature of Business: Municipal Solid Waste Landfill

Description of Process: Flathead County operates a Class II municipal landfill. The facility consists of a landfill gas extraction system routed to a 2001 Perennial Energy, Inc. (PEI), enclosed ground flare with a capacity of 18 MMBtu/hr. The flare is capable of combusting 600 scfm of landfill gas (LFG) with 50% methane and has the ability to be upgraded to accommodate 1200 scfm of LFG as more wells are installed. The system includes the following additional components:

1. Natural gas fired pilot assembly;
2. One flare station blower capable of providing 600 scfm of landfill gas to the flare;
3. Condensate knock-out vessel with particulate filter for landfill gas particulate removal prior to flaring;
4. Flow meter used to monitor and help control the flare's operation; and
5. Miscellaneous piping and associated equipment used in support of the landfill gas extraction system.

## SECTION II. SUMMARY OF EMISSION UNITS

The emission units regulated by this permit are the following (ARM 17.8.1211):

<b>Emission Unit ID</b>	<b>Description</b>	<b>Pollution Control Device/Practice</b>
EU001	Municipal Solid Waste (MSW) Landfill	Flare
EU002	Flare	None
EU003	Fugitive Dust from Vehicle Traffic	Reasonable Precautions

### SECTION III. PERMIT CONDITIONS

The following requirements and conditions are applicable to the facility or to specific emission units located at the facility (ARM 17.8.1211, 1212, and 1213).

#### A. FACILITY-WIDE

Conditions	Rule Citation	Rule Description	Pollutant/Parameter	Limit
A.1	ARM 17.8.304(2)	Visible Air Contaminants	Opacity	20%
A.2	ARM 17.8.308(1)	Particulate Matter, Airborne	Fugitive Opacity	20%
A.3	ARM 17.8.308(2)	Particulate Matter, Airborne	Reasonable Precautions	-----
A.4	ARM 17.8.308	Particulate Matter, Airborne	Reasonable Precaution, Construction	20%
A.5	ARM 17.8.316	Incinerator	Design	-----
A.6	ARM 17.8.316	Incinerator	Particulate Matter	0.10 gr/scf
A.7	ARM 17.8.316	Incinerator	Opacity	10%
A.8	ARM 17.8.1212	Reporting Requirements	Compliance Monitoring	-----
A.9	ARM 17.8.1207	Reporting Requirements	Annual Certification	-----

#### Conditions

- A.1. Pursuant to ARM 17.8.304(2), Flathead shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed after November 23, 1968, that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes, unless otherwise specified by rule or in this permit.
- A.2. Pursuant to ARM 17.8.308(1), Flathead shall not cause or authorize the production, handling, transportation, or storage of any material unless reasonable precautions to control emissions of particulate matter are taken. Such emissions of airborne particulate matter from any stationary source shall not exhibit an opacity of 20% or greater averaged over 6 consecutive minutes, unless otherwise specified by rule or in this permit.
- A.3. Pursuant to ARM 17.8.308(2), Flathead shall not cause or authorize the use of any street, road or parking lot without taking reasonable precautions to control emissions of airborne particulate matter, unless otherwise specified by rule or in this permit.
- A.4. Pursuant to ARM 17.8.308, Flathead shall not operate a construction site or demolition project unless reasonable precautions are taken to control emissions of airborne particulate matter. Such emissions of airborne particulate matter from any stationary source shall not exhibit an opacity of 20% or greater averaged over 6 consecutive minutes, unless otherwise specified by rule or in this permit.
- A.5. Pursuant to ARM 17.8.316, Flathead shall not use an incinerator for the burning of refuse unless such incinerator is a multiple chamber incinerator or an incinerator of equal effectiveness, approved by the Department prior to installation or use, unless otherwise specified by rule or in this permit.
- A.6. Pursuant to ARM 17.8.316, Flathead shall not cause or authorize to be discharged into the outdoor atmosphere from any incinerator, particulate matter in excess of 0.10 grains per standard cubic foot of dry flue gas, adjusted to 12% carbon dioxide and calculated as if no auxiliary fuel had been used unless otherwise specified by rule or in this permit.
- A.7. Pursuant to ARM 17.8.316, Flathead shall not cause or authorize to be discharged into the outdoor atmosphere from any incinerator, emissions that exhibit an opacity of 10% or greater averaged over 6 consecutive minutes unless otherwise specified by rule or in this permit.

- A.8. On or before January 31 and July 31 of each year, Flathead shall submit to the Department the compliance monitoring reports required by Section V.D. These reports must contain all information required by Section V.D, as well as the information required by each individual emissions unit. For the reports due by January 31 of each year, Flathead may submit a single report, provided that it contains all the information required by Section V.B & V.D. Per ARM 17.8.1207,

*any application form, report, or compliance certification submitted pursuant to ARM Title 17, Chapter 8, Subchapter 12 (including semiannual monitoring reports), shall contain certification by a responsible official of truth, accuracy and completeness. This certification and any other certification required under ARM Title 17, Chapter 8, Subchapter 12, shall state that, “based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.”*

- A.9. By January 31 of each year, Flathead shall submit to the Department the compliance certification report required by Section V.B. The annual certification report required by Section V.B must include a statement of compliance based on the information available that identifies any observed, documented or otherwise known instance of noncompliance for each applicable requirement. Per ARM 17.8.1207,

*any application form, report, or compliance certification submitted pursuant to ARM Title 17, Chapter 8, Subchapter 12 (including annual certifications), shall contain certification by a responsible official of truth, accuracy and completeness. This certification and any other certification required under ARM Title 17, Chapter 8, Subchapter 12, shall state that, “based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.”*

## B. EU001 – MUNICIPAL SOLID WASTE LANDFILL

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method Frequency		Reporting Requirements
B.1, B.6, B.11, B.16	Flare	Operate and Maintain as Specified in 40 CFR 60.18	Log Demonstrating Compliance with 40 CFR 60.18	Continuous	Semi-annual
B.2, B.7, B.12, B.16	Monitoring and recording equipment	Operate and Maintain Monitoring Equipment	Calibration and Maintenance Log	As necessary	Semi-annual
B.3, B.8, B.13, B.16	Landfill Gas to Flare	$1.82 \times 10^6$ scfd	Log and recording charts	Continuous	Semi-annual
B.4, B.9, B.14, B.16	MSW Landfill	Subpart WWW <50 Mg NMOC	NMOC testing	Every 5 years	Semi-annual
B.5, B.10, B.15, B.16	MSW Landfill	40 CFR 61, Subpart M	40 CFR 61, Subpart M	40 CFR 61, Subpart M	Semi-annual

### Conditions

- B.1. Flathead shall construct, operate, and maintain a landfill flare system as specified in their application for a Montana Air Quality Permit and all subsequent revisions. The flare shall be capable of meeting the requirements contained in 40 CFR 60.18 (ARM 17.8.749, ARM 17.8.752, and 40 CFR 60.18).

- B.2. Flathead shall install, calibrate, synchronize (based on the time of day), maintain, and continuously operate the following flare monitoring and recording equipment (ARM 17.8.749):
- a. A thermocouple and associated recorder to detect the presence of a flame; and
  - b. A flowmeter and associated recorder to determine the total flow of landfill gas to the flare.
- B.3. The total volume of landfill gas sent to the flare may not exceed  $8.64 \times 10^5$  standard cubic feet per day (ARM 17.8.749). Note: Standard conditions are 77 °F and 1 atm pressure.
- B.4. Flathead shall comply with all applicable standards and limitations, and the reporting, record-keeping, and notification requirements of 40 CFR 60, Subpart WWW (Standards of Performance for Solid Waste Municipal Landfills) for the landfill which include, but are not limited to following (ARM 17.8.340):
- a. Because the maximum design capacity is equal to or greater than 2.5 million megagrams or 2.5 million cubic meters, Flathead must calculate the NMOC emission rate;
  - b. If the NMOC is less than 50 megagrams per year using the Tier 2 analysis, Flathead shall submit a periodic estimate of the emission rate report as provided in 40 CFR 60.757(b)(1) and retest the site-specific NMOC concentration every 5 years using the methods specified in 40 CFR 60.754.
  - c. If the NMOC emission rate, upon recalculation, is equal to or greater than 50 megagrams per year, Flathead shall install a collection and control system in compliance with 40 CFR 60.752(b)(2).
- B.5. Flathead shall comply with all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements of 40 CFR 61, Subpart M (National Emission Standard for Asbestos) (ARM 17.8.341).

### **Compliance Demonstration**

- B.6. Flathead shall maintain a log monitoring compliance with the requirements of 40 CFR 60.18 (ARM 17.8.1213).
- B.7. Flathead shall maintain a log of the calibration and maintenance of the thermocouple and associated recorder, and the flowmeter and associated recorder as required by Section III.B.2 (ARM 17.8.1213).
- B.8. Flathead shall maintain the continuous digital recording charts showing landfill gas flowrate. This data allows Flathead the ability to calculate the daily volume (scf) of landfill gas sent to the flare. In addition, Flathead shall maintain records of total hourly flare operating time (ARM 17.8.1213).
- B.9. Flathead shall monitor compliance as required by 40 CFR 60, Subpart WWW (Appendix E) including, but not limited to on-site verification that the NMOC mass emission rate is less than 50 megagrams per year (ARM 17.8.340 and 40 CFR 60, Subpart WWW).
- B.10. Flathead shall monitor compliance as required by 40 CFR 61, Subpart M (Appendix F) (ARM 17.8.340 and 40 CFR 61, Subpart M).

### **Recordkeeping**

- B.11. Flathead shall maintain on site, a log containing information necessary to monitor compliance with 40 CFR 60.18 as required by Section III.B.6 (ARM 17.8.1212).
- B.12. Flathead shall maintain an on-site log of the monitoring and recording equipment as required by Section III.B.7. Each log entry must also include the date, time, and the initials of the documenting personnel (ARM 17.8.1212).



- B.13. Flathead shall maintain on-site, continuous digital recording charts of the flowrate to the flare as required by Section III.B.8. The charts shall be reviewed on a monthly basis, or more frequently as required by the Department, and Flathead shall maintain a log including the date, time, and reviewer's initials (ARM 17.8.1212).
- B.14. Flathead shall maintain all recordkeeping requirements as required by 40 CFR 60, Subpart WWW 60.758 (Appendix E) including, but not limited to records verifying that the NMOC mass emission rate is less than 50 megagrams per year (ARM 17.8.340 and 40 CFR 60, Subpart WWW).
- B.15. Flathead shall maintain all recordkeeping requirements as required by 40 CFR 61, Subpart M (Appendix F) (ARM 17.8.340 and 40 CFR 60, Subpart M).

## Reporting

- B.16. The annual compliance certification report required by Section V.B must contain a certification statement for the above applicable requirements. The semiannual reporting shall provide the following (ARM 17.8.1212):
- A summary of the information required by Section III.B.6;
  - A summary of the data required for the monitoring and recording equipment and the landfill gas flow and flowrate, as required by Section III.B.7 and Section III.B.8;
  - A summary of all recordkeeping and reporting requirements as required by 40 CFR 60, Subpart WWW 60.757 and 60.758; and
  - A summary of all recordkeeping and reporting requirements as required by 40 CFR 61, Subpart M 61.153.

## C. EU002 – FLARE

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method	Frequency	Reporting Requirements
C.1, C.6, C.9, C.11	Opacity	No Visible Emissions	Method 22	As Required by the Department	Semi-annual
C.2, C.6, C.9, C.11	Particulate matter	0.10 gr/dscf corrected to 12% CO <sub>2</sub>	Method 5	As Required by the Department	Semi-annual
C.3, C.6, C.9, C.11	NO <sub>x</sub>	5.74 lb/hr	Method 7	As Required by the Department	Semi-annual
C.4, C.7, C.9, C.11	CO	18.40 lb/hr	Method 10A or Method 10B	Every 5 years	Semi-annual
C.5, C.8, C.10, C.11	HAP's As Specified in Appendix F Table 1	Any Flare Inlet Concentrations in Excess of Table 1	Flare Inlet Source Test	Annual	Semi-annual

## Conditions

- C.1. The flare shall operate with no visible emissions, except for periods not to exceed a total of 5 minutes during any 2 consecutive hours (ARM 17.8.752 and 40 CFR 60.18)
- C.2. Flathead shall not cause or authorize to be discharged into the atmosphere from the incinerator/landfill flare system any particulate emissions in excess of 0.10 gr/dscf corrected to 12% CO<sub>2</sub> (ARM 17.8.316).
- C.3. Flathead shall not cause or authorize to be discharged into the atmosphere from the incinerator/landfill flare system any NO<sub>x</sub> emissions in excess of 5.74 lb/hr (ARM 17.8.752).
- C.4. Flathead shall not cause or authorize to be discharged into the atmosphere from the incinerator/landfill flare system any CO emissions in excess of 18.40 lb/hr (ARM 17.8.752).

- C.5. Flathead shall not cause or authorize any flare inlet concentrations in excess of the concentrations contained in Table 1, Appendix F of this permit (ARM 17.8.752 and MCA 75-2-215).

### **Compliance Demonstration**

- C.6. As required by the Department, Flathead shall perform a Method 22, Method 5, and Method 7 source test to monitor compliance with the emission limitations in Section III.C.1, Section III.C.2, and Section III.C.3. The testing shall be performed in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
- C.7. Flathead shall perform a Method 10A or 10B carbon monoxide source test on the flare every 5 years to monitor compliance with the emission limit in Section III.C.4. The testing shall be performed in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.749 and ARM 17.8.105).
- C.8. Flathead shall conduct an annual source test on the flare inlet to monitor compliance with Section III.C.5. The testing shall be performed in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.105 and ARM 17.8.749).

### **Recordkeeping**

- C.9. All source test reports from any source testing conducted during the reporting period must be maintained on site and must be submitted to the Department, upon request, in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
- C.10. All HAP concentration measurements, as required in Section III.C.8, must be maintained on site and must be submitted to the Department upon request (ARM 17.8.1212).

### **Reporting**

- C.11. The annual compliance certification report required by Section V.B must contain a certification statement for the above applicable requirements. The semiannual compliance monitoring reports shall include the following (ARM 17.8.1212):
- The results of any source test conducted during the last reporting period as required by Section III.C.9; and
  - A summary of any HAP concentration measurements taken during the reporting period as required by Section III.C.10.

### **D. EU003 – FUGITIVE DUST FROM VEHICLE TRAFFIC**

Condition(s)	Pollutant/Parameter	Permit Limit	Compliance Demonstration Method Frequency		Reporting Requirements
D.1, D.3, D.5, D.7	Opacity	20%	Method 9	As Required by the Department	Semi-annual
D.2, D.4, D.6, D.7	Opacity	20%	Reasonable Precautions	As Necessary	Semi-annual

### **Conditions**

- D.1. Flathead shall not cause or authorize emissions to be discharged into the outdoor atmosphere from any source that exhibits an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304(2)).
- D.2. Flathead shall not cause or authorize the use of any access roads, parking lots, or the general plant area without taking reasonable precautions to control emissions of airborne particulate matter (ARM 17.8.308(2)).

### **Compliance Demonstration**

- D.3. As required by the Department, Flathead shall perform a Method 9 test in accordance with Montana Source Test Protocol and Procedures Manual (ARM 17.8.106). Each observation period shall be minimum of 6 minutes unless any one reading is 20% or greater, then the observation period shall be a minimum of 20 minutes or until a violation of the standard has been documented, whichever is a shorter period of time.
- D.4. Flathead shall treat all unpaved portions of the access roads, parking lots, and general plant area with fresh water and/or chemical dust suppressant as necessary to maintain compliance with the reasonable precautions limitation (ARM 17.8.749).

### **Recordkeeping**

- D.5. Method 9 test reports must be maintained on site and must be submitted to the Department upon request in accordance with Montana Source Test Protocol and Procedures Manual (ARM 17.8.1212).
- D.6. Flathead shall maintain an on-site log of the reasonable precautions taken as required by Section III.D.4. Each log entry must include the date, time, summary of action taken, and the initials of the documenting personnel (ARM 17.8.1212).

### **Reporting**

- D.7. The annual compliance certification report required by Section V.B must contain a certification statement for the above applicable requirements. The semiannual compliance monitoring reports shall include the following (ARM 17.8.1212):
  - a. A summary of any tests that have been completed during the last reporting period as required by Section III.D.5 and
  - b. A summary of the log of any corrective actions taken as required by Section III.D.6.

#### **SECTION IV. NON-APPLICABLE REQUIREMENTS**

The permit application did not identify any applicable or non-applicable requirements for the facility.

## SECTION V. GENERAL PERMIT CONDITIONS

### A. Compliance Requirements

ARM 17.8, Subchapter 12, Operating Permit Program §1210(2)(a)-(c)&(e), §1206(6)(c)&(b)

1. The permittee must comply with all conditions of the permit. Any noncompliance with the terms or conditions of the permit constitutes a violation of the Montana Clean Air Act, and may result in enforcement action, permit modification, revocation and reissuance, or termination, or denial of a permit renewal application under ARM Title 17, Chapter 8, Subchapter 12.
2. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
3. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit. If appropriate, this factor may be considered as a mitigating factor in assessing a penalty for noncompliance with an applicable requirement if the source demonstrates that both the health, safety or environmental impacts of halting or reducing operations would be more serious than the impacts of continuing operations, and that such health, safety or environmental impacts were unforeseeable and could not have otherwise been avoided.
4. The permittee shall furnish to the Department, within a reasonable time set by the Department (not to be less than 15 days), any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Department copies of those records that are required to be kept pursuant to the terms of the permit. This subsection does not impair or otherwise limit the right of the permittee to assert the confidentiality of the information requested by the Department, as provided in 75-2-105, MCA.
5. Any schedule of compliance for applicable requirements with which the source is not in compliance with at the time of permit issuance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it was based.
6. For applicable requirements that will become effective during the permit term, the source shall meet such requirements on a timely basis unless a more detailed plan or schedule is required by the applicable requirement or the Department.

### B. Certification Requirements

ARM 17.8, Subchapter 12, Operating Permit Program §1207 and §1213(7)(a)&(c)-(d)

1. Any application form, report, or compliance certification submitted pursuant to ARM Title 17, Chapter 8, Subchapter 12, shall contain certification by a responsible official of truth, accuracy and completeness. This certification and any other certification required under ARM Title 17, Chapter 8, Subchapter 12, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
2. Compliance certifications shall be submitted by January 31 of each year, or more frequently if otherwise specified in an applicable requirement or elsewhere in the permit. Each certification must include the required information for the previous calendar year (i.e., January 1 – December 31).

3. Compliance certifications shall include the following:
  - a. The identification of each term or condition of the permit that is the basis of the certification;
  - b. The identification of the method(s) or other means used by the owner or operator for determining the status of compliance with each term and condition during the certification period, consistent with ARM 17.8.1212;
  - c. The status of compliance with each term and condition for the period covered by the certification, *including whether compliance during the period was continuous or intermittent* (based on the method or means identified in ARM 17.8.1213(7)(c)(ii), as described above); and
  - d. Such other facts as the Department may require to determine the compliance status of the source.
4. All compliance certifications must be submitted to the Environmental Protection Agency, as well as to the Department, at the addresses listed in the Notification Addresses Appendix of this permit.

**C. Permit Shield**

ARM 17.8, Subchapter 12, Operating Permit Program §1214(1)-(4)

1. The applicable requirements and non-federally enforceable requirements are included and specifically identified in this permit and the permit includes a precise summary of the requirements not applicable to the source. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements and any non-federally enforceable requirements as of the date of permit issuance.
2. The permit shield described in 1 above shall remain in effect during the appeal of any permit action (renewal, revision, reopening, or revocation and reissuance) to the Board of Environmental Review (Board), until such time as the Board renders its final decision.
3. Nothing in this permit alters or affects the following:
  - a. The provisions of Sec. 7603 of the FCAA, including the authority of the administrator under that section;
  - b. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
  - c. The applicable requirements of the Acid Rain Program, consistent with Sec. 7651g(a) of the FCAA;
  - d. The ability of the administrator to obtain information from a source pursuant to Sec. 7414 of the FCAA;
  - e. The ability of the Department to obtain information from a source pursuant to the Montana Clean Air Act, Title 75, Chapter 2, MCA;
  - f. The emergency powers of the Department under the Montana Clean Air Act, Title 75, Chapter 2, MCA; or

- g. The ability of the Department to establish or revise requirements for the use of Reasonably Available Control Technology (RACT) as defined in ARM Title 17, Chapter 8. However, if the inclusion of a RACT into the permit pursuant to ARM Title 17, Chapter 8, Subchapter 12, is appealed to the Board, the permit shield, as it applies to the source's existing permit, shall remain in effect until such time as the Board has rendered its final decision.
- 4. Nothing in this permit alters or affects the ability of the Department to take enforcement action for a violation of an applicable requirement or permit term demonstrated pursuant to ARM 17.8.106, Source Testing Protocol.
- 5. Pursuant to ARM 17.8.132, for the purpose of submitting a compliance certification, nothing in these rules shall preclude the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance. However, when compliance or noncompliance is demonstrated by a test or procedure provided by permit or other applicable requirements, the source shall then be presumed to be in compliance or noncompliance unless that presumption is overcome by other relevant credible evidence.
- 6. The permit shield will not extend to minor permit modifications or changes not requiring a permit revision (see Sections I & J).
- 7. The permit shield will extend to significant permit modifications and transfer or assignment of ownership (see Sections K & N).

**D. Monitoring, Recordkeeping, and Reporting Requirements**

ARM 17.8, Subchapter 12, operating Permit Program §1212(2)&(3)

- 1. Unless otherwise provided in this permit, the permittee shall maintain compliance monitoring records that include the following information:
  - a. The date, place as defined in the permit, and time of sampling or measurement;
  - b. The date(s) analyses were performed;
  - c. The company or entity that performed the analyses;
  - d. The analytical techniques or methods used;
  - e. The results of such analyses; and
  - f. The operating conditions at the time of sampling or measurement.
- 2. The permittee shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. All monitoring data, support information, and required reports and summaries may be maintained in computerized form at the plant site if the information is made available to Department personnel upon request, which may be for either hard copies or computerized format. Strip-charts must be maintained in their original form at the plant site and shall be made available to Department personnel upon request.

3. The permittee shall submit to the Department, at the addresses located in the Notification Addresses Appendix of this permit, reports of any required monitoring by January 31 and July 31 of each year, or more frequently if otherwise specified in an applicable requirement or elsewhere in the permit. The monitoring report submitted on January 31 of each year must include the required monitoring information for the period of July 1 through December 31 of the previous year. The monitoring report submitted on July 31 of each year must include the required monitoring information for the period of January 1 through June 30 of the current year. All instances of deviations from the permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official, consistent with ARM 17.8.1207.

#### **E. Prompt Deviation Reporting**

ARM 17.8, Subchapter 12, Operating Permit Program §1212(3)(c)

The permittee shall promptly report deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. To be considered prompt, deviations shall be reported as part of the routine reporting requirements under ARM 17.8.1212(3)(b) and, if applicable, in accordance with the malfunction reporting requirements under ARM 17.8.110, unless otherwise specified in an applicable requirement.

#### **F. Emergency Provisions**

ARM 17.8, Subchapter 12, Operating Permit Program §1201(13) and §1214(5), (6)&(8)

1. An “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation and causes the source to exceed a technology-based emission limitation under this permit due to the unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of reasonable preventive maintenance, careless or improper operation, or operator error.
2. An emergency constitutes an affirmative defense to an action brought for noncompliance with a technology-based emission limitation if the permittee demonstrates through properly signed, contemporaneous logs, or other relevant evidence, that:
  - a. An emergency occurred and the permittee can identify the cause(s) of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards or other requirements in the permit; and
  - d. The permittee submitted notice of the emergency to the Department within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirements of ARM 17.8.1212(3)(c). This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.
3. These emergency provisions are in addition to any emergency, malfunction or upset provision contained in any applicable requirement.



## **G. Inspection and Entry**

### ARM 17.8, Subchapter 12, Operating Permit Program §1213(3)&(4)

1. Upon presentation of credentials and other requirements as may be required by law, the permittee shall allow the Department, the administrator, or an authorized representative (including an authorized contractor acting as a representative of the Department or the administrator) to perform the following:
  - a. Enter the premises where a source required to obtain a permit is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
  - c. Inspect at reasonable times any facilities, emission units, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
  - d. As authorized by the Montana Clean Air Act and rules promulgated thereunder, sample or monitor, at reasonable times, any substances or parameters at any location for the purpose of assuring compliance with the permit or applicable requirements.
2. The permittee shall inform the inspector of all workplace safety rules or requirements at the time of inspection. This section shall not limit in any manner the Department's statutory right of entry and inspection as provided for in 75-2-403, MCA.

## **H. Fee Payment**

### ARM 17.8, Subchapter 12, Operating Permit Program §1210(2)(f) and ARM 17.8, Subchapter 5, Air Quality Permit Application, Operation, and Open Burning Fees §505(3)-(5) (STATE ONLY)

1. The permittee must pay application and operating fees, pursuant to ARM Title 17, Chapter 8, Subchapter 5.
2. Annually, the Department shall provide the permittee with written notice of the amount of the fee and the basis for the fee assessment. The air quality operation fee is due 30 days after receipt of the notice, unless the fee assessment is appealed pursuant to ARM 17.8.511. If any portion of the fee is not appealed, that portion of the fee that is not appealed is due 30 days after receipt of the notice. Any remaining fee, which may be due after the completion of an appeal, is due immediately upon issuance of the Board's decision or upon completion of any judicial review of the Board's decision.
3. If the permittee fails to pay the required fee (or any required portion of an appealed fee) within 90 days of the due date of the fee, the Department may impose an additional assessment of 15% of the fee (or any required portion of an appealed fee) or \$100, whichever is greater, plus interest on the fee (or any required portion of an appealed fee), computed at the interest rate established under 15-31-510(3), MCA.

## **I. Minor Permit Modifications**

### ARM 17.8, Subchapter 12, Operating Permit Program §1226(3)&(11)

1. An application for a minor permit modification need only address in detail those portions of the permit application that require revision, updating, supplementation, or deletion, and may reference any required information that has been previously submitted.

2. The permit shield under ARM 17.8.1214 will not extend to any minor modifications processed pursuant to ARM 17.8.1226.

**J. Changes Not Requiring Permit Revision**

ARM 17.8, Subchapter 12, Operating Permit Program §1224(1)-(3), (5)&(6)

1. The permittee is authorized to make changes within the facility as described below, provided the following conditions are met:
  - a. The proposed changes do not require the permittee to obtain an air quality preconstruction permit under ARM Title 17, Chapter 8, Subchapter 7;
  - b. The proposed changes are not modifications under Title I of the FCAA, or as defined in ARM Title 17, Chapter 8, Subchapters 8, 9, or 10;
  - c. The emissions resulting from the proposed changes do not exceed the emissions allowable under this permit, whether expressed as a rate of emissions or in total emissions;
  - d. The proposed changes do not alter permit terms that are necessary to enforce applicable emission limitations on emission units covered by the permit; and
  - e. The facility provides the administrator and the Department with written notification at least 7 days prior to making the proposed changes.
2. The permittee and the Department shall attach each notice provided pursuant to 1.e above to their respective copies of this permit.
3. Pursuant to the conditions above, the permittee is authorized to make Section 502(b)(10) changes, as defined in ARM 17.8.1201(30), without a permit revision. For each such change, the written notification required under 1.e above shall include a description of the change within the source, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.
4. The permittee may make a change not specifically addressed or prohibited by the permit terms and conditions without requiring a permit revision, provided the following conditions are met:
  - a. Each proposed change does not weaken the enforceability of any existing permit conditions;
  - b. The Department has not objected to such change;
  - c. Each proposed change meets all applicable requirements and does not violate any existing permit term or condition; and
  - d. The permittee provides contemporaneous written notice to the Department and the administrator of each change that is above the level for insignificant emission units as defined in ARM 17.8.1201(22) and 17.8.1206(3), and the written notice describes each such change, including the date of the change, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
5. The permit shield authorized by ARM 17.8.1214 shall not apply to changes made pursuant to ARM 17.8.1224(3) and (5), but is applicable to terms and conditions that allow for increases and decreases in emissions pursuant to ARM 17.8.1224(4).

## **K. Significant Permit Modifications**

ARM 17.8, Subchapter 12, Operating Permit Program §1227(1), (3)&(4)

1. The modification procedures set forth in 2 below must be used for any application requesting a significant modification of this permit. Significant modifications include the following:
  - a. Any permit modification that does not qualify as either a minor modification or as an administrative permit amendment;
  - b. Every significant change in existing permit monitoring terms or conditions;
  - c. Every relaxation of permit reporting or recordkeeping terms or conditions that limit the Department's ability to determine compliance with any applicable rule, consistent with the requirements of the rule; or
  - d. Any other change determined by the Department to be significant.
2. Significant modifications shall meet all requirements of ARM Title 17, Chapter 8, including those for applications, public participation, and review by affected states and the administrator, as they apply to permit issuance and renewal, except that an application for a significant permit modification need only address in detail those portions of the permit application that require revision, updating, supplementation or deletion.
3. The permit shield provided for in ARM 17.8.1214 shall extend to significant modifications.

## **L. Reopening for Cause**

ARM 17.8, Subchapter 12, Operating Permit Program §1228(1)&(2)

This permit may be reopened and revised under the following circumstances.

1. Additional applicable requirements under the FCAA become applicable to the facility when the permit has a remaining term of 3 or more years. Reopening and revision of the permit shall be completed not later than 18 months after promulgation of the applicable requirement. No reopening is required under ARM 17.8.1228(1)(a) if the effective date of the applicable requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms or conditions have been extended pursuant to ARM 17.8.1220(12) or 17.8.1221(2).
2. Additional requirements (including excess emission requirements) become applicable to an affected source under the Acid Rain Program. Upon approval by the administrator, excess emission offset plans shall be deemed incorporated into the permit.
3. The Department or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emission standards or other terms or conditions of the permit.
4. The administrator or the Department determines that the permit must be revised or revoked and reissued to ensure compliance with the applicable requirements.

## **M. Permit Expiration and Renewal**

ARM 17.8, Subchapter 12, Operating Permit Program §1210(2)(g), §1220(11)&(12), and §1205(2)(d)

1. This permit is issued for a fixed term of 5 years.

2. Renewal of this permit is subject to the same procedural requirements that apply to permit issuance, including those for application, content, public participation, and affected state and administrator review.
3. Expiration of this permit terminates the permittee's right to operate unless a timely and administratively complete renewal application has been submitted consistent with ARM 17.8.1221 and 17.8.1205(2)(d). If a timely and administratively complete application has been submitted, all terms and conditions of the permit, including the application shield, remain in effect after the permit expires until the permit renewal has been issued or denied.
4. For renewal, the permittee shall submit a complete air quality operating permit application to the Department not later than 6 months prior to the expiration of this permit, unless otherwise specified. If necessary to ensure that the terms of the existing permit will not lapse before renewal, the Department may specify, in writing to the permittee, a longer time period for submission of the renewal application. Such written notification must be provided at least 1 year before the renewal application due date established in the existing permit.

**N. Severability Clause**

ARM 17.8, Subchapter 12, Operating Permit Program §1210(2)(i)&(l)

1. The administrative appeal or subsequent judicial review of the issuance by the Department of an initial permit under this subchapter shall not impair in any manner the underlying applicability of all applicable requirements, and such requirements continue to apply as if a final permit decision had not been reached by the Department.
2. If any provision of a permit is found to be invalid, all valid parts that are severable from the invalid part remain in effect. If a provision of a permit is invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid applications.

**O. Transfer or Assignment of Ownership**

ARM 17.8, Subchapter 12, Operating Permit Program §1225(2)&(4)

1. If an administrative permit amendment involves a change in ownership or operational control, the applicant must include in its request to the Department a written agreement containing a specific date for the transfer of permit responsibility, coverage and liability between the current and new permittee.
2. The permit shield provided for in ARM 17.8.1214 shall not extend to administrative permit amendments.

**P. Emissions Trading, Marketable Permits, Economic Incentives**

ARM 17.8, Subchapter 12, Operating Permit Program §1226(2)

Notwithstanding ARM 17.8.1226(1) and (7), minor air quality operating permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in the Montana State Implementation Plan or in applicable requirements promulgated by the administrator.

**Q. No Property Rights Conveyed**

ARM 17.8, Subchapter 12, Operating Permit Program §1210(2)(d)

This permit does not convey any property rights of any sort, or any exclusive privilege.

**R. Testing Requirements**

ARM 17.8, Subchapter 1, General Provisions §105

The permittee shall comply with ARM 17.8.105.

**S. Source Testing Protocol**

ARM 17.8, Subchapter 1, General Provisions §106

The permittee shall comply with ARM 17.8.106.

**T. Malfunctions**

ARM 17.8, Subchapter 1, General Provisions §110

The permittee shall comply with ARM 17.8.110.

**U. Circumvention**

ARM 17.8, Subchapter 1, General Provisions §111

The permittee shall comply with ARM 17.8.111.

**V. Motor Vehicles**

ARM 17.8, Subchapter 3, Emission Standards §325

The permittee shall comply with ARM 17.8.325.

**W. Annual Emissions Inventory**

ARM 17.8, Subchapter 5, Air Quality Permit Application, Operation and Open Burning Fees §505 (STATE ONLY)

The permittee shall supply the Department with annual production and other information for all emission units necessary to calculate actual or estimated actual amount of air pollutants emitted during each calendar year. Information shall be gathered on a calendar-year basis and submitted to the Department by the date required in the emission inventory request, unless otherwise specified in this permit. Information shall be in the units required by the Department.

**X. Open Burning**

ARM 17.8, Subchapter 6, Open Burning §604, 605 and 606

The permittee shall comply with ARM 17.8.604, 605 and 606.

**Y. Preconstruction Permits**

ARM 17.8, Subchapter 7, Permit, Construction and Operation of Air Contaminant Sources §745 and 764 (ARM 17.8.745(1), and 764(1)(b) are STATE ENFORCEABLE ONLY until approval by the EPA as part of the SIP)

1. Except as specified, no person shall construct, install, alter or use any air contaminant source or stack associated with any source without first obtaining a permit from the Department or Board. A permit is not required for those sources or stacks as specified by ARM 17.8.744(1)(a)-(k).
2. The permittee shall comply with ARM 17.8.743, 744, 745, 748, and 764.

3. ARM 17.8.745(1) specifies de minimis changes as construction or changed conditions of operation at a facility holding an air quality preconstruction permit issued under Chapter 8 that does not increase the facility's potential to emit by more than 15 tons per year of any pollutant, except (STATE ENFORCEABLE ONLY until approved by the EPA as part of the SIP):
  - a. Any construction or changed condition that would violate any condition in the facility's existing air quality preconstruction permit or any applicable rule contained in Chapter 8 is prohibited, except as provided in ARM 17.8.745(2);
  - b. Any construction or changed conditions of operation that would qualify as a major modification under Subchapters 8, 9, or 10 of Chapter 8;
  - c. Any construction or changed condition of operation that would affect the plume rise or dispersion characteristic of emissions that would cause or contribute to a violation of an ambient air quality standard or ambient air increment as defined in ARM 17.8.804;
  - d. Any construction or improvement project with a potential to emit more than 15 tons per year may not be artificially split into smaller projects to avoid air quality preconstruction permitting; or
  - e. Emission reductions obtained through offsetting within a facility are not included when determining the potential emission increase from construction or changed conditions of operation, unless such reductions are made federally enforceable.
4. Any facility making a de minimis change pursuant to ARM 17.8.745(1) shall notify the Department if the change would include a change in control equipment, stack height, stack diameter, stack gas temperature, source location or fuel specifications, or would result in an increase in source capacity above its permitted operation or the addition of a new emission unit. The notice must be submitted, in writing, 10 days prior to start up or use of the proposed de minimis change, or as soon as reasonably practicable in the event of an unanticipated circumstance causing the de minimis change, and must include the information requested in ARM 17.8.745(1). (STATE ENFORCEABLE ONLY until approval by the EPA as part of the SIP)

**Z. National Emission Standard for Asbestos**

40 CFR, Part 61, Subpart M

The permittee shall not conduct any asbestos abatement activities except in accordance with 40 CFR 61, Subpart M (National Emission Standard for Hazardous Air Pollutants for Asbestos).

**AA. Asbestos**

ARM 17.74, Subchapter 3, General Provisions and Subchapter 4, Fees

The permittee shall comply with ARM 17.74.301, *et seq.*, and ARM 17.74.401, *et seq.* (State only)

**BB. Stratospheric Ozone Protection – Servicing of Motor Vehicle Air Conditioners**

40 CFR, Part 82, Subpart B

If the permittee performs a service on motor vehicles and this service involves ozone-depleting substance/refrigerant in the motor vehicle air conditioner (MVAC), the permittee is subject to all the applicable requirements as specified in 40 CFR 82, Subpart B.

## **CC. Stratospheric Ozone Protection – Recycling and Emission Reductions**

### **40 CFR, Part 82, Subpart F**

The permittee shall comply with the standards for recycling and emission reductions in 40 CFR 82, Subpart F, except as provided for MVACs in Subpart B.

1. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to §82.156.
2. Equipment used during the maintenance, service, repair or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to §82.158.
3. Persons performing maintenance, service, repair or disposal of appliances must be certified by an approved technical certification program pursuant to §82.161.
4. Persons disposing of small appliances, MVACs and MVAC-like (as defined at §82.152) appliances must comply with recordkeeping requirements pursuant to §82.166.
5. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to §82.156.
6. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to §82.166.

## **DD. Emergency Episode Plan**

The permittee shall comply with the requirements contained in Chapter 9.7 of the State of Montana Air Quality Control Implementation Plan.

Each major source emitting 100 tons per year located in a Priority I Air Quality Control Region, shall submit to the Department a legally enforceable Emergency Episode Action Plan (EEAP) that details how the source will curtail emissions during an air pollutant emergency episode. The industrial EEAP shall be in accordance with the Department's EEAP and shall be submitted according to a timetable developed by the Department, following Priority I reclassification.

## **EE. Definitions**

Terms not otherwise defined in this permit or in the Definitions and Abbreviations Appendix of this permit, shall have the meaning assigned to them in the referenced regulations.

## APPENDICES



## Appendix A. INSIGNIFICANT EMITTING UNITS

**Disclaimer:** The information in this appendix is not State or Federally enforceable, but is presented to assist Flathead, the permitting authority, inspectors, and the public.

Pursuant to ARM 17.8.1201(22)(a), an insignificant emission unit means any activity or emission unit located within a source that: (i) has a potential to emit less than 5 tons per year of any regulated pollutant; (ii) has a potential to emit less than 500 pounds per year of lead; (iii) has a potential to emit less than 500 pounds per year of hazardous air pollutants listed pursuant to section 7412 (b) of the FCAA; and (iv) is not regulated by an applicable requirement, other than a generally applicable requirement that applies to all emission units subject to Subchapter 12.

### List of Insignificant Activities:

The following table of insignificant sources and/or activities was provided by Flathead. Because there are no requirements to update such a list, the emission units and/or activities may change from those specified in the table.

Emission Unit ID	Description
IEU01	Tub Grinder

## Appendix B. DEFINITIONS and ABBREVIATIONS

**"Act"** means the Clean Air Act, as amended, 42 U.S. 7401, *et seq.*

**"Administrative permit amendment"** means an air quality operating permit revision that:

- (a) Corrects typographical errors;
- (b) Identifies a change in the name, address or phone number of any person identified in the air quality operating permit, or identifies a similar minor administrative change at the source;
- (c) Requires more frequent monitoring or reporting by Flathead;
- (d) Requires changes in monitoring or reporting requirements that the Department deems to be no less stringent than current monitoring or reporting requirements;
- (e) Allows for a change in ownership or operational control of a source if the Department has determined that no other change in the air quality operating permit is necessary, consistent with ARM 17.8.1225; or
- (f) Incorporates any other type of change that the Department has determined to be similar to those revisions set forth in (a)-(e), above.

**"Applicable requirement"** means all of the following as they apply to emission units in a source requiring an air quality operating permit (including requirements that have been promulgated or approved by the Department or the administrator through rule making at the time of issuance of the air quality operating permit, but have future-effective compliance dates, provided that such requirements apply to sources covered under the operating permit):

- (a) Any standard, rule, or other requirement, including any requirement contained in a consent decree or judicial or administrative order entered into or issued by the Department, that is contained in the Montana state implementation plan approved or promulgated by the administrator through rule making under Title I of the FCAA;
- (b) Any federally enforceable term, condition or other requirement of any air quality preconstruction permit issued by the Department under subchapters 7, 8, 9 and 10 of this chapter, or pursuant to regulations approved or promulgated through rule making under Title I of the FCAA, including parts C and D;
- (c) Any standard or other requirement under Sec. 7411 of the FCAA, including Sec. 7411(d);
- (d) Any standard or other requirement under Sec. 7412 of the FCAA, including any requirement concerning accident prevention under Sec. 7412(r)(7), but excluding the contents of any risk management plan required under Sec. 7412(r);
- (e) Any standard or other requirement of the acid rain program under Title IV of the FCAA or regulations promulgated thereunder;
- (f) Any requirements established pursuant to Sec. 7661c(b) or Sec. 7414(a)(3) of the FCAA;
- (g) Any standard or other requirement governing solid waste incineration, under Sec. 7429 of the FCAA;
- (h) Any standard or other requirement for consumer and commercial products, under Sec. 7511b(e) of the FCAA;
- (i) Any standard or other requirement for tank vessels, under Sec. 7511b(f) of the FCAA;

- (j) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the FCAA, unless the administrator determines that such requirements need not be contained in an air quality operating permit;
- (k) Any national ambient air quality standard or increment or visibility requirement under part C of Title I of the FCAA, but only as it would apply to temporary sources permitted pursuant to Sec. 7661c(e) of the FCAA; or
- (l) Any federally enforceable term or condition of any air quality open burning permit issued by the Department under subchapter 6.

**"Department"** means the Montana Department of Environmental Quality.

**"Emission unit"** means any part or activity of a stationary source that emits or has the potential to emit any regulated air pollutant or any pollutant listed under Sec. 7412(b) of the FCAA. This term is not meant to alter or affect the definition of the term "unit" for purposes of Title IV of the FCAA.

**"FCAA"** means the Federal Clean Air Act, as amended.

**"Federally enforceable"** means all limitations and conditions which are enforceable by the administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61, requirements within the Montana state implementation plan, and any permit requirement established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I, including operating permits issued under an EPA approved program that is incorporated into the Montana State Implementation Plan and expressly requires adherence to any permit issued under such program.

**"Fugitive emissions"** means those emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

**"General air quality operating permit" or "general permit"** means an air quality operating permit that meets the requirements of ARM 17.8.1222, covers multiple sources in a source category, and is issued in lieu of individual permits being issued to each source.

**"Hazardous air pollutant"** means any air pollutant listed as a hazardous air pollutant pursuant to section 112(b) of the FCAA.

**"Non-federally enforceable requirement"** means the following as they apply to emission units in a source requiring an air quality operating permit:

- (a) Any standard, rule, or other requirement, including any requirement contained in a consent decree, or judicial or administrative order entered into or issued by the Department, that is not contained in the Montana state implementation plan approved or promulgated by the administrator through rule making under Title I of the FCAA;
- (b) Any term, condition or other requirement contained in any air quality preconstruction permit issued by the Department under subchapters 7, 8, 9 and 10 of this chapter that is not federally enforceable;
- (c) Does not include any Montana ambient air quality standard contained in Subchapter 2 of this chapter.

**"Permittee"** means the owner or operator of any source subject to the permitting requirements of this subchapter, as provided in ARM 17.8.1204, that holds a valid air quality operating permit or has submitted a timely and complete permit application for issuance, renewal, amendment, or modification pursuant to this subchapter.

**"Regulated air pollutant"** means the following:

- (a) Nitrogen oxides or any volatile organic compounds;
- (b) Any pollutant for which a national ambient air quality standard has been promulgated;

- (c) Any pollutant that is subject to any standard promulgated under Sec. 7411 of the FCAA;
- (d) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the FCAA; or
- (e) Any pollutant subject to a standard or other requirement established or promulgated under Sec. 7412 of the FCAA, including but not limited to the following:
  - (i) Any pollutant subject to requirements under Sec. 7412(j) of the FCAA. If the administrator fails to promulgate a standard by the date established in section 7412(e) of the FCAA, any pollutant for which a subject source would be major shall be considered to be regulated on the date 18 months after the applicable date established in section 7412(e) of the FCAA;
  - (ii) Any pollutant for which the requirements of section 7412(g)(2) of the FCAA have been met but only with respect to the individual source subject to Sec. 7412(g)(2) requirement.

**"Responsible official"** means one of the following:

- (a) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
  - (i) The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
  - (ii) The delegation of authority to such representative is approved in advance by the Department.
- (b) For a partnership or sole proprietorship: a general partner or the proprietor, respectively.
- (c) For a municipality, state, federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a regional administrator of the environmental protection agency).
- (d) For affected sources: the designated representative in so far as actions, standards, requirements, or prohibitions under Title IV of the FCAA or the regulations promulgated thereunder are concerned, and the designated representative for any other purposes under this subchapter.

**Abbreviations:**

ARM	Administrative Rules of Montana
ASTM	American Society of Testing Materials
BACT	Best Available Control Technology
BDT	bone dry tons
BTU	British Thermal Unit
CFR	Code of Federal Regulations
CO	carbon monoxide
DEQ	Department of Environmental Quality
dscf	dry standard cubic foot
dscfm	dry standard cubic foot per minute
EEAP	Emergency Episode Action Plan
EPA	U.S. Environmental Protection Agency
EPA Method	Test methods contained in 40 CFR 60, Appendix A
EU	emission unit
FCAA	Federal Clean Air Act
gr	grains
HAP	hazardous air pollutant
IEU	insignificant emission unit
Mbdft	thousand board feet
Method 5	40 CFR 60, Appendix A, Method 5
Method 9	40 CFR 60, Appendix A, Method 9
MMbdft	million board feet
MMBTU	million British Thermal Units
NMOC	non-methane organic compounds
NO <sub>x</sub>	oxides of nitrogen
NO <sub>2</sub>	nitrogen dioxide
O <sub>2</sub>	oxygen
Pb	lead
PM	particulate matter
PM10	particulate matter less than 10 microns in size
psi	pounds per square inch
scf	standard cubic feet
SIC	Source Industrial Classification
SO <sub>2</sub>	sulfur dioxide
SO <sub>x</sub>	oxides of sulfur
tpy	tons per year
U.S.C.	United States Code
VE	visible emissions
VOC	volatile organic compound

## **Appendix C. NOTIFICATION ADDRESSES**

### **Compliance Notifications:**

Montana Department of Environmental Quality  
Permitting and Compliance Division  
Air & Waste Management Bureau  
P.O. Box 200901  
Helena, MT 59620-0901

United States EPA  
Air Program Coordinator  
Region VIII, Montana Office  
10 West 15<sup>th</sup> Street, Suite 3200  
Helena, MT 59620

### **Permit Modifications:**

Montana Department of Environmental Quality  
Permitting and Compliance Division  
Air & Waste Management Bureau  
P.O. Box 200901  
Helena, MT 59620-0901

Office of Partnerships and Regulatory Assistance  
Air and Radiation Program  
US EPA Region VIII 8P-AR  
999 18<sup>th</sup> Street, Suite 500  
Denver, CO 80202-2466

## **Appendix D. AIR QUALITY INSPECTOR INFORMATION**

**Disclaimer:** The information in this appendix is not State or Federally enforceable but is presented to assist Flathead, permitting authority, inspectors, and the public.

1. **Direction to Plant:** The landfill is located approximately 9 miles north of Kalispell, MT, on Highway 93 North.
2. **Safety Equipment Required:** Steel toed footwear and hard-hat.
3. **Facility Plot Plan:** A facility plot plan was included as part of the Title V operating permit application submitted to the Department on December 13, 1999. A copy of the plan is available on site at the landfill or through the Department of Environmental Quality.

## Appendix E. TABLE 1

- **Flare Inlet Concentration Limitations (As Required in Section III.C.6)**

POLLUTANTS	FLARE INLET CONCENTRATION (mg/m <sup>3</sup> )
Acetonitrile	137
Benzene	61
Carbon Disulfide	18
Carbon Tetrachloride	0.25
Carbon Sulfide	15
Chlorobenzene	12
Chloroethane	33
Chloroform	1.5
Chloromethane	25
1,1-Dichloroethane	95
1,2-Dichloroethane	17
Dichloromethane	494
1,2-Dichloropropane	8
Ethylbenzene	200
Hexane	232
Hydrogen Chloride	1069
Mercury	0.004
Methyl Ethyl Ketone	209
Methyl Isobutyl Ketone	77
Perchloroethene	253
1,1,2,2-Tetrachloroethane	76
Toluene	1481
1,1,1-Trichloroethane	26
Trichloroethene	152
Vinyl Chloride	188
Xylenes	525

- Allowable emissions represent a worst case scenario based on a 10-fold increase in reported potential emissions.
- Hydrogen Chloride emission limit established using potential Chlorine emissions (see Table III. Permit Analysis #3850-03)